

FINDING OF NO SIGNIFICANT IMPACT
for
OIL TROUGH FIRE DEPARTMENT
INDEPENDENCE COUNTY, ARKANSAS
FEMA-1751-DR-AR

BACKGROUND

In accordance with 44 Code of Federal Regulations (CFR) for the Federal Emergency Management Agency (FEMA), Subpart B - Agency Implementing Procedures, Section 10.9, an environmental assessment (EA) was prepared pursuant to Section 102 of the National Environmental Policy Act (NEPA) of 1969. The purpose of the EA was to analyze the potential environmental impacts associated with the proposed relocation/construction of the fire station within the city of Oil Trough, Arkansas and to determine whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI).

The participation of FEMA in the proposed action is dictated by the Robert T. Stafford Disaster Relief and Emergency Assistance Act, PL 93-288, as amended, and implementing regulations at 44 Code of Federal Regulations (CFR) Part 206, Federal Disaster Assistance for Disasters Declared on or after November 23, 1988. These rules control the eligibility and funding for public assistance disaster relief. Any assistance FEMA can provide is determined and controlled by these regulations.

As a result of the flooding beginning on March 18, 2008 the existing fire station located in Oil Trough was substantially damaged. The proposed project would relocate the fire station, a critical facility, out of the floodplain. The proposed project evaluated in the environmental assessment involved relocating this facility from its existing site on 430 Moore Street in Oil Trough. The project alternatives were 1) No Action 2) Reconstruction at Original Site and 3) Construction of New Fire Station on South Street 4) Construction of an Improved Fire Station at an Alternate Location-Proposed. The No Action alternative would not reconstruct or replace the facilities damaged by the flooding. As a consequence, the city of Oil Trough would be without a fire station, therefore unable to provide fire protection to the residents that it services. Alternative two would be to reconstruct the damaged fire station on the original site to pre-disaster configuration, function and capacity. This option was prohibited under 44 Federal Code of Regulations (CFR) 9.11 (d)(3)(ii) which states that there shall be no new construction or substantial improvements of structures involving a critical action unless...it is at or above the level of the 500-year flood elevation. Option three was to relocate fire station to South Street in Oil Trough. This option was found cost prohibitive. Option four, the preferred alternative, is to relocate the station to 100 Main Street in Oil Trough. The project location is on a previously disturbed site, donated to the city for the purpose of this project, approximately one mile from the original fire station and is located out of the floodplain. The new fire station will be constructed on a concrete slab, be approximately 6,300 square feet and have seven bays suitable to house the city's fire equipment.

A legal notice was posted in the local newspaper, the *Batesville Guard*, on January 30, 2009. The Draft Environmental Assessment was made available for public review at the Independence County Public Library, the Independence County Courthouse and the Oil Trough City Hall for a 15-day period. No public comments were received.

FINDINGS

FEMA has made the following determinations from the information contained in the EA:

The proposed project as described in the EA will not result in any significant adverse impacts to existing land use, water resources (surface water, groundwater, waters of the United States, wetlands, and floodplains), air quality, noise, biological resources (vegetation, fish and wildlife, State and Federally listed threatened or endangered species and critical habitats), safety, hazardous materials and waste, cultural resources, or result in disproportionately high or adverse effects on minority or low-income populations. The proposed action is also in compliance with all relevant Federal, state and local laws, including Executive Orders (EO) 11988, Floodplain Management, EO 11990, Protection of Wetlands, and EO 12898, Environmental Justice.

CONDITIONS

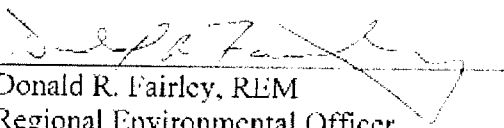
The following conditions must be met as part of this project. Failure to comply with these conditions may jeopardize Federal funds:

- 1) The EA and this FONSI apply only to the project area that has been specifically described and evaluated in the EA. Any other areas beyond the project area that may be impacted due to changes in the project plan must be evaluated for compliance with NEPA and other applicable Federal, State and local environmental and historic preservation laws, regulations, and Executive Orders.
- 2) Best management practices for sedimentation and erosion control will be utilized where appropriate during construction and for as long as deemed necessary.
- 3) Construction noise will be limited to weekday, daylight hours to the greatest extent practicable.
- 4) If hazardous constituents are unexpectedly encountered in the project area during the proposed construction operations, appropriate measures for the proper assessment, remediation and management of the contamination will be initiated in accordance with applicable Federal, state, and local regulations. The contractor will take appropriate measures to prevent, minimize, and control the spill of hazardous materials in the construction staging area and project work area.
- 5) No historic or cultural remains are likely to be encountered during the construction activity; however, in accordance with Section 106 of the National Historic Preservation Act, should unanticipated historic or cultural materials be encountered during construction, all construction activities shall cease immediately until their cultural affiliation and ultimate disposition is determined in consultation between FEMA and the State Historic Preservation Officer.


CONCLUSIONS

Based on the findings of the attached EA, coordination with the appropriate agencies, comments from the public, and adherence to the project conditions set forth in this FONSI, FEMA has determined that the proposed project qualifies as a major Federal action that will not significantly affect the quality of the natural and human environment, nor does it have the potential for significant cumulative effects. As a result of this FONSI, an EIS will not be prepared (44 CFR Part 10.9) and the proposed project as described in the attached EA may proceed.

APPROVAL


Donald R. Fairley, REM
Regional Environmental Officer
FEMA Region VI

Date 24 April 2009


Gary Jones
Acting Regional Administrator
FEMA Region VI

Date 4-24-09